



06-15-04

2877  
#*Signature*

## AMENDMENT/RESPONSE TRANSMITTAL LETTER

Attorney Docket No.: D/A1131  
XERZ 2 00441

|                      |   |                             |
|----------------------|---|-----------------------------|
| Ser. No.: 10/016,427 | Filed: December 10, 2001                      | Examiner: Layla G. Lauchman |
| Art Unit: 2877       | Title: SIX DEGREE OF FREEDOM POSITION RANGING |                             |

To the Commissioner for Patents:

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

| CLAIMS AS AMENDED |                                  |       |                                    |                             |      |                 |
|-------------------|----------------------------------|-------|------------------------------------|-----------------------------|------|-----------------|
|                   | Claims remaining after amendment |       | Highest Number Previously Paid For | No. of Extra Claims Present | Rate | Additional Rate |
| Total Claims      | 20                               | Minus | 20                                 | 0                           | X 18 | \$0.00          |
| Indep. Claims     | 3                                | Minus | 3                                  | 0                           | X 86 | \$0.00          |
|                   |                                  |       | TOTAL                              |                             | =    | \$0.00          |

No additional fee is required.

A check in the amount of \$ \_\_\_\_\_ is attached.

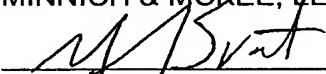
Charge \$ \_\_\_\_\_ to Deposit Account No. 24-0037.

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a **three-month extension of time** to respond to the outstanding Office Action. Enclosed is a check in the amount of \$950.00 to cover the applicable extension of time fees.

Applicants request any additional extensions of time that may be necessary and authorize the required fees be charged to Deposit Account No. 24-0037.

Please charge any additional fees or credit overpayment to Deposit Account No. 24-0037.

Respectfully submitted,  
FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

  
\_\_\_\_\_  
Mark S. Svat, Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

Date: June 11, 2004

06/17/2004 HAL111 00000072 10016427

01 FC:1253 950.00 OP

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment Transmittal Letter and accompanying document(s) are being deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT FEE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|   |                                       |
|---|---------------------------------------|
| Express Mail Label No.<br><br>EL 964455211 US | Signature<br><br><i>Karen Forsyth</i> |
| Date<br>14<br>June 11, 2004                   | Printed Name<br>Karen M. Forsyth      |

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on June 11, 2004 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By Karen Forsyth  
Karen M. Forsyth

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

KAREN FORSYTH

(TYPED OR PRINTED NAME OF SENDER)

(SIGNATURE)

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Kimon D. Roufas, et al.

TITLE : SIX DEGREE OF FREEDOM  
POSITION RANGING

APPLICATION NO. : 10/016,427

FILED : December 10, 2001

CONFIRMATION NO. : 9522

EXAMINER : Layla G. Lauchman

ART UNIT : 2877

LAST OFFICE ACTION : December 16, 2003

ATTORNEY DOCKET NO. : D/A1131  
XERZ 2 00441

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Dear Sir:

Responsive to the Office Action mailed December 16, 2003, Applicants respond as follows:

**Claims 1-20 were Presented for Examination**

All claims stand rejected as being anticipated by the reference entitled "Six Degree of Freedom Sensing for Docking Using IR LED Emitters and Receivers." During a telephone conversation with the Examiner on Friday, the 30<sup>th</sup> of April, Applicants explained that the authors of the paper are the same as the listed inventors, and, therefore, the cited reference was not an appropriate reference in this matter. Particularly, the rejection under 35 U.S.C. § 102(a) is not appropriate as the invention was not known or used by others in this country or patented or



described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

To support this position, applicants submit herewith the Declaration Under 37 C.F.R. 1.132, wherein each of the inventors acknowledge that all of the applicants are also the authors of the cited article. Particularly, it is noted Mr. Craig Eldershaw was not listed as an author of the cited paper.

The Declaration explains that Mr. Eldershaw did in fact participate in generation of the subject matter of the article in question, but through inadvertent oversight did not have his name included as a co-author.

It is noted that each of the inventors, including an inventor no longer with the subject company, have executed this Declaration.

For the foregoing reason, it is believed the attached Declaration provides facts which show the intent of Mr. Eldershaw as an author.

For the foregoing reasons, it is submitted the cited article is an improper reference.

As no other art has been cited to reject the present claims, it is respectfully submitted all claims (1-20) are in condition for allowance. An early notice to that effect is therefore earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

June 11, 2004  
Date

  
\_\_\_\_\_  
Mark S. Svat

Reg. No. 34,261  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

Attachment: Declaration Under 37 C.F.R. 1.132